

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:) AWA Docket No. 16-0118
)
WILLIAM BRACKSTON LEE, III, an)
individual, doing business as LAUGHING)
VALLEY RANCH,)
)
Respondent) COMPLAINT

There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(Act or AWA), and the regulations issued thereunder (9 C.F.R. Part 2)(Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent William Brackston Lee, III, is an individual who does business as Laughing Valley Ranch, and whose mailing address is P.O. Box 1810, Idaho Springs, Colorado 80452. At all times mentioned herein, respondent was an exhibitor, as that term is defined in the Act and the Regulations, and held AWA license 84-C-0088.

ALLEGATIONS REGARDING SIZE OF BUSINESS, GRAVITY OF VIOLATIONS,
GOOD FAITH AND COMPLIANCE HISTORY

2. Respondent operates a zoo (as that term is defined in the Regulations), and exhibits wild and domestic animals on-site and at off-site locations. In 2013, respondent reported that he held 39 animals, in 2014, respondent reported that he held 24 animals, and in 2015, respondent reported that he held 23 animals. The alleged violations include repeated noncompliance with the access regulations, and continuing failure to meet the minimum standards for veterinary care, housing, and husbandry. Respondent received an Official Warning notice in September 2007, for noncompliance with the housing, cleaning and general facility Standards cited in October 2006,

and August and September 2007. On March 13, 2013, respondent pled guilty to violating Colorado animal cruelty laws, with a two-year deferred judgment. *People v. William Brackston Lee*, Case No. 12M91 (Colo. Combined Cts., Clear Creek Cty.). Respondent Lee is the respondent in a pending AWA administrative enforcement proceeding. *In re Lee*, AWA Docket No. 14-0021.

ALLEGED VIOLATIONS

3. On or about November 8, 2013, February 27, 2014, August 26, 2014, and September 19, 2014, respondent willfully violated the Act and the Regulations by failing to make required records available for inspection. 7 U.S.C. § 2146(a); 9 C.F.R. § 2.126(a)(2).

4. On or about April 7, 2015, October 20, 2015, and January 29, 2016, respondent willfully violated the Act and the Regulations, 9 C.F.R. § 2.126, by failing to have a responsible person available to provide APHIS inspectors with access to the facility's records. 7 U.S.C. § 2146(a), 9 C.F.R. § 2.126(b).

5. On or about September 19, 2014, respondent failed to make, keep and maintain accurate records of the acquisition and disposition of animals, as required, in willful violation of the Regulations, and *inter alia*, respondent had no records available documenting his acquisition of two male reindeer on November 26, 2013, two goats and two sheep on April 12, 2014, and one alpaca on May 20, 2014; and respondent's records of animals on hand were incomplete and/or inaccurately represented respondent's actual animal inventory. 9 C.F.R. § 2.75(b)(1).

6. On or about the following dates, respondent failed to provide adequate veterinary care to animals, and failed to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and/or daily observation of animals, in willful violation of the Regulations. 9 C.F.R. § 2.40.

a. November 8, 2013. A white female pygmy goat was found dead in one of the shelter structures in the enclosure housing three other goats, six sheep, and one llama, and respondent had not observed the pygmy goat or obtained treatment for her. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3).

b. February 27, 2014. A female reindeer (identified as #11) was seen limping on her right front leg and holding the leg up when at rest. 9 C.F.R. § 2.40(b)(2).

c. August 26, 2014. A female reindeer, (identified as #10) had excessively overgrown hooves on all four feet and was seen favoring her left front leg when she moved. 9 C.F.R. § 2.40(b)(2).

d. August 26, 2014. A male reindeer calf was noted to be limping on his left hind limb. In July 2014, respondent's attending veterinarian had diagnosed the calf as having a fracture, but respondent failed to establish a follow-up treatment plan. 9 C.F.R. § 2.40(b)(2).

e. September 19, 2014. A male reindeer calf noted to be limping on his right hind limb during an inspection on August 26, 2014, was observed in worse condition during APHIS's inspection on September 19, 2014, and although respondent's attending veterinarian saw the calf on August 29 and September 9, 2014, there was no detailed plan for monitoring the calf's progress or for pain relief, and no follow-up by the veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).

f. September 19, 2014. Respondent failed to develop a plan for addressing hoof conditions for a reindeer cow that had excessively overgrown hooves on the August 26, 2014 inspection. 9 C.F.R. § 2.40(b)(2).

7. On or about the following dates, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to comply with the minimum standards for animals:

a. November 8, 2013. An adult male Husky (Mikoh, identified as #9) was found to be tethered to the front porch of the residence, as a substitute for a primary enclosure. 9 C.F.R. § 3.6(c)(4).

b. November 8, 2013. The outdoor structure housing one Scottish Highland cow, one llama, one alpaca, and two horses had wire fencing that was bent and not secure enough to protect the regulated animals from injury or to contain them. 9 C.F.R. § 3.125(a).

c. November 8, 2013. The enclosure housing one llama, three goats, and six sheep had two large gaps at the bottom of the west-facing fencing, and the fencing along the north side of the enclosure had two fence posts that were leaning and were not structurally sound. 9 C.F.R. § 3.125(a).

d. February 27, 2014. The enclosure housing one llama, six sheep, and three goats had an excessive accumulation of excreta, and three of the four shelter structures in the enclosure had excreta covering the surfaces of the dirt floors. 9 C.F.R. § 3.131(a).

e. August 26, 2014. The outdoor enclosure housing one llama, three sheep, and two goats had three shelter structures with unsecured billboard tarp material, which was almost completely unraveled from one shelter and lying on the ground, and was hanging loosely from the top of the other two shelters. 9 C.F.R. § 3.125(a).

f. August 26, 2014. The wire and cattle panel fencing separating the reindeer cows and calves from the male reindeer had several broken wires or support posts with sharp ends protruding into the enclosures, as well as areas where the wire fencing was bent,

loose, and pulled away from the rest of the panels. 9 C.F.R. § 3.125(a).

g. August 26, 2014. The outdoor enclosure housing one llama, three sheep, and two goats contained an excessive accumulation of excreta. 9 C.F.R. § 3.131(a).

h. August 26, 2014. The food storage shed had a broken bag of feed with spilled feed on the floor and an accumulation of rodent feces on the floor and other surfaces within the shed. 9 C.F.R. § 3.131(d).

i. August 26, 2014. There were numerous flies throughout the facility, including on food receptacles and feed. 9 C.F.R. § 3.131(d).

j. September 19, 2014. An outdoor enclosure housing one llama, one alpaca, six sheep, and three goats had bent and broken wires with sharp ends protruding into the enclosure, and a support post for the enclosure fencing had become loose exposing the sharp stake ends. 9 C.F.R. § 3.125(a).

8. On or about December 5, 2013, respondent willfully violated the Regulations by failing to handle animals as carefully as possible in a manner that does not cause behavioral stress, physical harm, or unnecessary discomfort, and specifically, during an exhibition in Dillon, Colorado, respondent handled one of his reindeer in a manner that permitted it to escape on December 5, 2013, and the reindeer remained loose until the following day. 9 C.F.R. § 2.131(b)(1).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the Regulations, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer

shall constitute an admission of all the material allegations of this complaint. APHIS requests that unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.

this 24th day of June 2016

A black rectangular redaction box covering the signature of the Administrator.

Administrator
Animal and Plant Health Inspection Service

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